



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
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Molly C. Dwyer
Clerk of Court

November 22, 2010

No.: 10-17648
D.C. No.: 4:09-cv-04775-PJH
Short Title: Bradley Smith v. Franklin/Templeton Distributor, et al

Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 22 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BRADLEY C. SMITH, derivatively on
behalf of Franklin Custodian Funds,

Plaintiff - Appellant,

v.

FRANKLIN/TEMPLETON
DISTRIBUTORS, INC.; CHARLES B.
JOHNSON; RUPERT H. JOHNSON;
HARRIS J. ASHTON; ROBERT F.
CARLSON; SAM GINN; EDITH E.
HOLIDAY; FRANK W.T. LEHAYE;
FRANK A. OLSON; LARRY D.
THOMPSON; JOHN B. WILSON;
FRANKLIN CUSTODIAN FUNDS,
INC., "Nominal Defendant",

Defendants - Appellees.

No. 10-17648

D.C. No. 4:09-cv-04775-PJH
U.S. District Court for Northern
California, Oakland

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

If there were reported hearings, the parties shall designate and, if necessary, cross-designate the transcripts pursuant to 9th Cir. R. 10-3.1. If there were no reported hearings, the transcript deadlines do not apply.

Mon., November 29, 2010 Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of

receiving the email from PACER confirming your registration.

Mon., December 20, 2010 Transcript shall be ordered.

Tue., January 18, 2011 Transcript shall be filed by court reporter.

Mon., February 28, 2011 Appellant's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

Wed., March 30, 2011 Appellee's answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

The optional appellant's reply brief shall be filed and served within fourteen days of service of the appellees' brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Gerald Rosen
Deputy Clerk